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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,066	04/10/2001	Joseph Thomas O'Neil	2000-0390	1099

7590

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EXAMINER
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RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/832,066

Applicant(s)

O'NEIL, JOSEPH THOMAS

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/19/03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 23-40 is/are pending in the application.
- 4a) Of the above claim(s) 19-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 23-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Response to Amendment***

Applicant's arguments with respect to claims 1-18, 23-40 have been considered but are moot in view of the new ground(s) of rejection.

Claims 19-22 are cancelled.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18, 23-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. in view of Lambert et al.

1. Regarding Claim 1, Walsh disclosed A method for controlling the use of a wireless personal communications device in a vehicle (pg.2; 0022), said device being for communicating with at least one fixed-location communications node a terrestrial communications network having a plurality of communication nodes (abstract), the method comprising;

deriving information relating to the geographic location of said personal communications device by receiving location information from at least one of said communication nodes, wherein said fixed-location communications node comprises a short-range transmitter transmitting message information identifying the location of said fixed-location communications node, (pg.5; 0056) determining whether said geographic location of said personal communications device bears a predetermined relationship to at least one of said geographic regions, (pg.6; 0069-0070)

Walsh fails to disclose the restrictions. However, Lambert teaches in an analogous art, that deriving information relating to restrictions on the use of personal communications devices in each of a plurality of geographic regions, determining restrictions on use of said personal communications device while said predetermined relationship exists. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

2. Regarding Claim 2, Walsh disclosed The method of claim 1 wherein said deriving information relating to the geographic location of said personal communications device comprises deriving information from a global positioning satellite (GPS) receiver. (pg.6; 0074)

3. Regarding Claim 3, Walsh disclosed The method of claim 2 wherein said GPS receiver is included in said personal communications device. (pg.6; 0074)

4. Regarding Claim 4, Walsh disclosed The method of claim 2 wherein said GPS receiver is included in said vehicle ((pg.2; 0022, pg.6; 0074).

5. Regarding Claim 5, Walsh disclosed The method of claim 1 wherein said deriving information relating to said regions comprises accessing a database comprising geographical definitions of a plurality of regions and restrictions applicable to personal communications device use in each of said regions. (pg.6; 0074)

6. Regarding Claim 6, Walsh disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 5 wherein said restrictions comprise legal restrictions imposed by a governmental authority. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

7. Regarding Claim 7, Walsh disclosed all the particulars of the claim except restrictions comprise restrictions imposed by a customer of said carrier. However, Lambert teaches in an analogous art, that The method of claim 5 wherein said use of a personal communications device is pursuant to an arrangement with a communications carrier, and said restrictions comprise restrictions imposed by a customer of said carrier. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include restrictions comprise restrictions imposed by a customer of said carrier in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with user requirements of the particular location of mobile.

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8. Regarding Claim 8, Walsh disclosed The method of claim 7 wherein said customer is a user of said personal communications device. (104; fig.1; pg.5; 0056)

9. Regarding Claim 9, Walsh disclosed all the particulars of the claim except customer is a person having supervisory responsibility for at least one user of said personal communications device. However, Lambert teaches in an analogous art, that The method of claim 7 wherein said customer is a person having supervisory responsibility for at least one user of said personal communications device. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include customer is a person having supervisory responsibility for at least one user of said personal communications device in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

10. Regarding Claim 10, Walsh disclosed all the particulars of the claim except customer is a person having supervisory responsibility for at least one user of said personal communications device. However, Lambert teaches in an analogous art, that The method of claim 5 wherein said restrictions further comprise restrictions imposed by a user or a person having supervisory responsibility for at least one user of said personal communications device. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include customer is a person having supervisory responsibility for at least one user of said personal communications device in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

11. Regarding Claim 11, Walsh disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 1 wherein said plurality of regions comprises all regions in a governmental jurisdiction. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

12. Regarding Claim 12, Walsh disclosed The method of claim 1 wherein said determining whether said geographic location of said personal communications device bears a predetermined relationship to at least one of said geographic regions comprises determining at least one of said geographic regions that includes said geographic location of said personal communications device. (pg.6; 0069)

13. Regarding Claim 13, Walsh disclosed The method of claim 1 wherein said determining of restrictions on use of said personal communications device comprises selecting a predetermined set of restrictions from among those restrictions applicable within respective geographic regions in which said personal communications device is located. (pg.6; 0069)

14. Regarding Claim 14, Walsh disclosed all the particulars of the claim except the restrictions. However, Lambert teaches in an analogous art, that The method of claim 1 wherein said selecting a predetermined set of restrictions comprises selecting said predetermined set of restrictions subject to at least one condition. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the

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restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

15. Regarding Claim 15, Walsh disclosed all the particulars of the claim except the restrictions. However, Lambert teaches in an analogous art, that The method of claim 14 wherein said at least one condition comprises an exemption from restrictions on use of said personal communications device for originating predetermined classes of communications. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

16. Regarding Claim 16, Walsh disclosed The method of claim 15 wherein said predetermined classes of communications comprises emergency communications. (pg.6; 0075).

17. Regarding Claim 17, Walsh disclosed The method of claim 15 wherein said at least one condition comprises an exemption from restrictions on use of said personal communications device for receiving predetermined classes of communications. (pg.7; 0077).

18. Regarding Claim 18, Walsh disclosed The method of claim 17 wherein said predetermined classes of communications comprises emergency communications. (pg.6; 0071).

23. Regarding Claim 23, Walsh disclosed all the particulars of the restrictions. However, Lambert teaches in an analogous art, that The method of claim 1 wherein said fixed-location communications node comprises a wireless base station transmitter (col.6; 47-62), and said deriving information relating to restrictions (col.8; 23-33, col.11; 15-22) on the use of personal



communications devices in each of a plurality of geographic areas comprises receiving message information from said wireless base station relating to restrictions applicable in at least one region proximate said wireless base station (col.6; 47-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

24. Regarding Claim 24, Walsh disclosed all the particulars of the claim except the restrictions. However, Lambert teaches in an analogous art, that The method of claim 23 wherein said receiving said message information from said wireless base station relating to restrictions on use of personal communications devices occurs at said personal communications device, and wherein said deriving information relating to the geographic location of said personal communications device comprises receiving global positioning satellite (GPS) information from a GPS receiver included in said personal communications device. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

25. Regarding Claim 25, Walsh disclosed all the particulars of the claim except the restrictions. However, Lambert teaches in an analogous art, that The method of claim 24 further comprising imposing restrictions on use of said personal communications device in response to said determining of restrictions on use of said personal communications device while said predetermined relationship exists. (col.8; 23-33, col.11; 15-22). Therefore, it would have been

obvious to one of ordinary skill in the art at the time of invention to include the restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

26. Regarding Claim 26, Walsh disclosed The method of claim 23 wherein said receiving said message information from said wireless base station occurs at said vehicle, and wherein said deriving information relating to the geographic location of said personal communications device comprises receiving global positioning satellite (GPS) information from a vehicle-based GPS receiver. (pg.6; 0074).

27. Regarding Claim 27, Walsh disclosed The method of claim 26 further comprising imposing restrictions on use of said personal communications device in response to said determining of restrictions on use of said personal communications device while said predetermined relationship exists, said imposing being effected by sending a control message from a vehicle-based transmitter to said personal communications device. (pg.6; 0074).

28. Regarding Claim 28, Walsh disclosed A method for controlling the use of at least one personal communications device in a vehicle (pg.2; 0022), the method comprising at a controller in said vehicle, deriving information relating to the geographic location of said vehicle, (pg.5; 0056)

Walsh fails to disclose the restrictions. However, Lambert teaches in an analogous art, that at said controller in said vehicle, deriving information relating to restrictions on the use of personal communications devices in at least one geographic region, at said controller in said vehicle, determining whether said geographic location of said vehicle bears a predetermined relationship to at least one of said geographic regions, transmitting a message from said

controller in said vehicle to said at least one personal communications device imposing restrictions on use of each said personal communications device while said predetermined relationship exists. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

29. Regarding Claim 29, Walsh disclosed The method of claim 28 wherein said deriving information relating to the geographic location of said vehicle comprises deriving information from a global positioning satellite (GPS) receiver in said vehicle. (pg.6; 0074)

30. Regarding Claim 30, Walsh disclosed all the particulars of the restrictions. However, Lambert teaches in an analogous art, that The method of claim 28 wherein said deriving information relating to said regions comprises accessing a database comprising geographical definitions of a plurality of regions and restrictions applicable to personal communications device use in each of said regions (col.6; 47-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

31. Regarding Claim 31, Walsh disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 30 wherein said restrictions comprise legal restrictions imposed by a governmental authority. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by

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a governmental authority in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

32. Regarding Claim 32, Walsh disclosed all the particulars of the claim except restrictions comprise restrictions imposed by a customer of said carrier. However, Lambert teaches in an analogous art, that The method of claim 30 wherein said use of a personal communications device is pursuant to an arrangement with a communications carrier, and said restrictions comprise restrictions imposed by a customer of said carrier. (col.8; 23-33, col.11; 15-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include restrictions comprise restrictions imposed by a customer of said carrier in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with user requirements of the particular location of mobile.

33. Regarding Claim 33, Walsh disclosed The method of claim 32 wherein said customer is a user of said personal communications device. (104; fig.1; pg.5; 0056)

34. Regarding Claim 34, Walsh disclosed all the particulars of the claim except customer is a person having supervisory responsibility for at least one user of said personal communications device. However, Lambert teaches in an analogous art, that The method of claim 32 wherein said customer is a person having supervisory responsibility for at least one user of said personal communications device. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include customer is a person having supervisory responsibility for at least one user of said personal communications device in order

to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

35. Regarding Claim 35, Walsh disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 28 wherein said plurality of regions comprises all regions in a governmental jurisdiction. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

36. Regarding Claim 36, Walsh disclosed The method of claim 28 wherein said determining whether said geographic location of said vehicle bears a predetermined relationship to at least one of said geographic regions comprises determining at least one of said geographic regions that includes said geographic location of said vehicle. (pg.6; 0069-0070)

37. Regarding Claim 37, Walsh disclosed A method for controlling the use of a wireless personal communications device in a vehicle (pg.2; 0022), said device being for communicating with at least one fixed-location communications node a terrestrial communications network having a plurality of communication nodes (abstract), the method comprising; deriving information relating to the geographic location of said personal communications device by receiving location information from at least one of said communication nodes, wherein said fixed-location communications node comprises a short-range transmitter transmitting message information identifying the location of said fixed-location communications node, (pg.5; 0056)

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determining whether said geographic location of said personal communications device bears a predetermined relationship to at least one of said geographic regions, (pg.6; 0069-0070)

Walsh fails to disclose the restrictions. However, Lambert teaches in an analogous art, that accessing a network database to derive geographical definitions of a plurality of regions and restrictions applicable to personal communications device use in each of said regions, applying restrictions on use of said personal communications device while said predetermined relationship exists. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

38. Regarding Claim 38, Walsh disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 37 wherein said restrictions comprise legal restrictions imposed by a governmental authority, said method further comprising updating said network database to reflect changes in said legal restrictions. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

39. Regarding Claim 39, Walsh disclosed all the particulars of the claim except the legal restrictions. However, Lambert teaches in an analogous art, that The method of claim 38 wherein said updating said network database to reflect changes in legal restrictions comprises temporary

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changes reflecting conditions affecting operation of said vehicle. (col.8; 23-33, col.11; 15-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

40. Regarding Claim 40, Walsh disclosed all the particulars of the claim except customer is a person having supervisory responsibility for at least one user of said personal communications device. However, Lambert teaches in an analogous art, that The method of claim 37 wherein said restrictions comprise restrictions imposed by a person having supervisory responsibility over a user of said personal communications device, said method further comprising updating said network database to reflect changes in said restrictions imposed by said person having supervisory responsibility over a user of said personal communications device. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include customer is a person having supervisory responsibility for at least one user of said personal communications device in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu. (8:15-5:45) alternate Fri.( 8:15-4:45).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad K. Rampuria  
March 3, 2004



**WILLIAM TROST**  
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